## Agenda

## Item #1

Code amendments to 30-313 (29) General Provisions to allow swimming pools in front setbacks on corner lots.

1. Example #1. Depicts a site triangle.

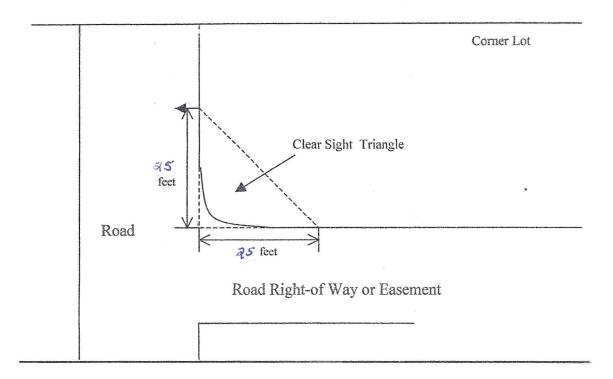
2. Example #2. Depicts an aerial of a legal

pool in the front yard.

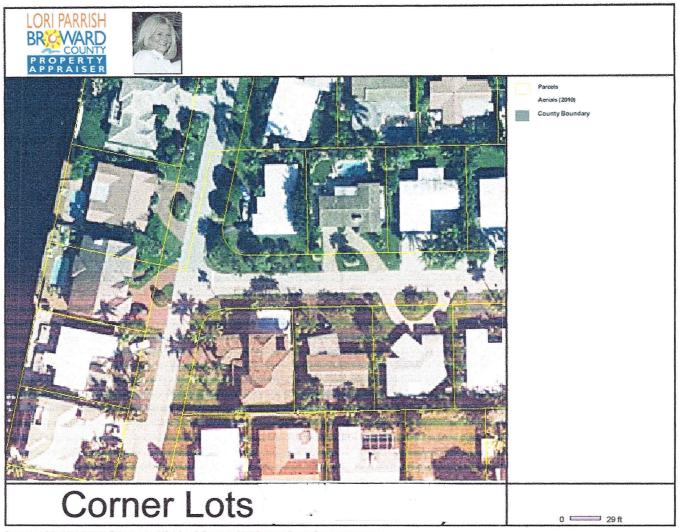
3. Example #3. Is a survey of a random

corner lot.

The placement and size of all structures on corner lots vary. Therefore, the setbacks vary. All lots should have a minimum front setback of 25ft.

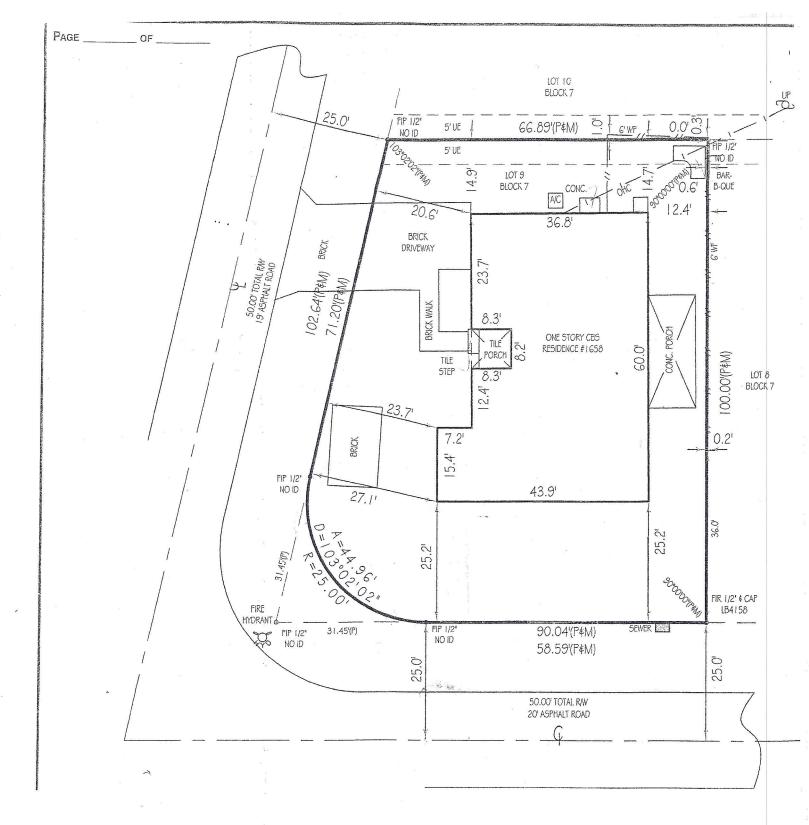


Example ONLY #1



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Example ONLY # 2



Example Only # 3

1	ORDINANCE 2010
2 3 4 5 6 7 8 9 10 11	AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE V "ZONING," DIVISION 2 "DISTRICTS," SUBDIVISION L "SUPPLEMENTAL REGULATIONS," SECTION 30-313 "GENERAL PROVISIONS" OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.
12	WHEREAS, the Town Commission recognizes that changes to the adopted Code of
13	Ordinances are periodically necessary in order to ensure that the Town's land development
14	regulations are current and consistent with the Town's planning and regulatory needs; and
15	WHEREAS, the Town Commission desires to remove the prohibition on swimming
16	pools, hot tubs and spas being constructed within the front yard setback of corner lots; and
17	WHEREAS, the Town Commission desires to allow fencing and enclosures within the
18	front yard setback, provided such structures do not obstruct the view within the sight distance
19	triangle; and
20	WHEREAS, the Town Commission desires to allow screen enclosures, pool decks, patios,
21	porches and terraces within any front yard of a corner lot that contains a pool; and
22	WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has
23	reviewed this Ordinance at duly noticed hearings on June 16, 2010 and July 21, 2010, and
24	recommended/not recommended its adoption; and
25	WHEREAS, the Town Commission conducted a first and second reading of this Ordinance
26	at duly noticed public hearings, as required by law, and after having received input from and
27	participation by interested members of the public and staff, the Town Commission has determined
28	that this Ordinance is consistent with the Town's Comprehensive Plan and in the best interest of the
29	Town, its residents, and its visitors.

## ORDINANCE 2010-\_

30	NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE
31	TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT:
32	SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as
33	being true, correct and reflective of the legislative intent underlying this Ordinance and are hereby
34	made a specific part of this Ordinance.
35	SECTION 2. Chapter 30 "UNIFIED LAND DEVELOPMENT REGULATIONS,"
36	Article V "Zoning," Division 2 "Districts," Subdivision L "Supplemental Regulations," Section 30-
37	313 "General provisions," is hereby amended as follows:
38 39	Sec. 30-313. General provisions.
40	* * * * * *
41	
42	(29) Swimming pools, decks, patios, hot tubs and spas; setbacks and enclosure required. No
43	swimming pool, hot tub or spa shall be constructed within a front yard setback, unless the lot is a
44	corner lot. Swimming pools, hot tubs and spas shall have the following minimum setback
45	regulations:
46	
47	a. All water bearing wall surfaces shall have a minimum five-foot setback from the side
48	and rear property lines.
49	b. All water bearing wall surfaces shall have a minimum <u>five</u> ten-foot setback from any
50	public right-of-way.
51 52	c. Notwithstanding any other regulation of this Code, fencing to enclose a swimming
53	pool, hot tub or spa is permitted in the front setback, but shall not obstruct the view within any sight distance triangle.
54	d. All swimming pools shall be enclosed by an open mesh screen enclosure or a fence of
55	wall a minimum of five feet in height of such design and material as will prevent
56	unauthorized access to the pool area. All screen doors and fence gates shall be equipped
57	with a self-locking mechanism.
58	e. Swimming pools or spas on lots that directly abut a waterway or other water area shall
59	not require enclosure along such waterway or water area.
60	
61	Screen enclosures, pool decks, patios, porches and terraces shall be permitted in the required side
62	yard or rear yard only or in the front yard of a corner lot with a pool located in the front yard, and
63	shall not be located at least less than 2 1/2 feet from plot lines. In addition, the location of screen
64	enclosures, pool decks, patios, porches and terraces will need to be located outside of any utility
65 66	easement areas, unless the property owner obtains consent from the applicable utility(s) to allow
67	any of these structures in the easement area, and shall not obstruct the view within any sight distance triangle.
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## ORDINANCE 2010-\_

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71	SECTION 3. Severability. If any section, sentence, clause or phrase of this Ordinance
72	held to be invalid or unconditional by any court of competent jurisdiction, then said holding shall
73	no way affect the validity of the remaining portions of this Ordinance.
74	SECTION 4. Conflicts. All ordinances or parts of Ordinances and all Resolutions
75	parts of Resolutions in conflict with the provisions of this Ordinance are hereby repealed.
76	SECTION 5. Effective Date. This Ordinance shall become effective immediately upon
77	passage on second reading.
78	<b>SECTION 6.</b> Codification. This Ordinance shall be codified.
79	SECTION 7. Adoption. Passed on the first reading, this day of, 2010.
80	Passed on the second reading, this day of, 2010.
81 82	
83 84	Mayor Roseann Minnet
85	iviayor Roseann ivininet
86	First Reading Second Reading
87 88	Mayor Minnet Vice-Mayor Dodd
89	Commissioner Clottey
90	Commissioner Sasser
91	Commissioner Vincent
92	
93 94	Attest:
95 96	Town Clerk, June White
97	
98 99	(CORPORATE SEAL)
00	Approved as to form:
02	Town Attorney, Susan L. Trevarthen